

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
David BERGMAN et al.

Application No.: 10/560,138

Confirmation No.: 1090

Filed: (Intl.) March 23, 2005

Art Unit: 1641

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For: ASSAY DEVICE AND METHOD

Examiner: J. A. Diramio

**AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION**

MAIL STOP: AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Madam:

**INTRODUCTORY COMMENTS**

This is in response to the Non-Final Office Action dated April 23, 2009 (Paper No. 20090420), for which a response was due on July 23, 2009. Filed herewith is a Petition and fee for 2 months extension of time, thereby extending the deadline for response to September 23, 2009. Accordingly, this response is timely filed. Reconsideration and allowance of the pending claims, as amended, in light of the remarks presented herein are respectfully requested.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 3 of this paper.

**Amendments to the Drawings** begin on page 12 of this paper and include attached replacement sheets.

**Remarks/Arguments** begin on page 13 of this paper.